THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.22329 of 2007

Dated: 06.11.2007

Between:

M. Haribabu .. Petitioner.

And

Southern Power Distribution Company of A.P. Limited,
Rep. by its Superintendent Engineer,
Operation Circle, Ongole, Prakasam District
and another. .. Respondents.

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ORDER:

This writ petition is filed challenging the memo, dated 18.10.2007, issued by the 1st respondent-Superintendent Engineer of Southern Power Distribution Company of A.P.,Limited, Operation Circle, Ongole.

2. The brief facts of the case are that the petitioner, who was working at Vinukonda (Guntur Circle), sought transfer, on medical grounds, to Ongole Circle, and accordingly, he was transferred to Ongole by proceedings, dated 18.05.2007 and posted with effect from 25.05.2007 as Assistant Divisional Engineer, C.T.Meters, Ongole. On 13.06.2007, modification orders were issued posting the petitioner as Assistant Divisional Engineer, Rurals, Ongole and he assumed charge on the same day i.e., on 13.06.2007. However, the said order, dated 13.06.2007, was cancelled subsequently on the next day i.e., on 14.06.2007. Challenging the same, the petitioner filed the earlier Writ Petition No.12597 of 2007, which was disposed of on 06.10.2007, whereunder the 1st respondent herein-Southern Power Distribution Company of A.P.,Limited represented by its Superintendent Engineer, Operation Circle, Ongole was directed to reconsider the posting of the petitioner as well as the 3rd respondent therein/2nd respondent herein, after hearing them, and pass appropriate orders, as per law, within a period of two weeks from the date of receipt of a copy of that order, and

this Court further ordered that till that time, status quo as on that day to be maintained. In pursuance of the said orders of this Court, dated 06.10.2007, the 1st respondent passed the impugned memo on 18.10.2007 without assigning any reasons therein.

3. Respondent No.1 filed a detailed counter stating that both the petitioner as well as the 2nd respondent were heard and taking into consideration of the health condition of the petitioner and also in the interest of administration, the petitioner was posted as Assistant Divisional Engineer, CT Meters, Ongole.

4. Likewise, the 2nd respondent also filed a counter asserting that in view of the directions passed by this Court in W.P.No.12597 of 2007, dated 06.10.2007, and considering the representations submitted by him and that of the petitioner, impugned memo was issued posting the petitioner in the same town as Assistant Divisional Engineer, CT Meters, Ongole, and therefore, there is no ground to interfere in a Writ Petition like this.

5. Heard the learned counsel for the parties at length and perused the entire material on record.

6. Learned counsel for the petitioner, however, strenuously contended that by issuance of the impugned memo, dated 18.10.2007, posting the petitioner as Assistant Divisional Engineer, CT Meters, Ongole, the very purpose of transferring the petitioner from Guntur to Ongole has been defeated. Though the job as Assistant Divisional Engineer, CT Meters, Ongole, is lighter, since the petitioner requires traveling everyday about 200 kms. in discharging his duties as

Assistant Divisional Engineer, CT Meters, Ongole, he cannot travel such a long distance everyday due to the injuries sustained by him in an accident.

7. Under these circumstances, without going into the merits of the case, the writ petition is disposed of directing the 1st respondent to consider the posting of the petitioner in any stationary post at Ongole, where he does not require to travel distant places everyday, and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order.

8. With the above directions, the writ petition is disposed of. No order as to costs.

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(C.V.RAMULU,J)

Dt.06.11.2007
Note: Issue CC in a week
B/o
v v